

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2374**

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**Introduced by Assembly Member Mansoor**

February 21, 2014

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An act to amend Section 11833 of, and to add Section 11830.01 to, the Health and Safety Code, relating to substance abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2374, as amended, Mansoor. Substance abuse: recovery and treatment services.

(1) Existing law grants the Department of Health Care Services the sole authority in state government to license adult alcoholism or drug abuse recovery or treatment facilities. The department is authorized to issue a license to specified types of facilities if certain criteria are met.

This bill would require an alcoholism or drug abuse program licensee to report specified events or incidents, including among other things, the death of a program resident, telephonically within one working day of the event or incident, and to provide a written report, as specified, within 7 days of the event or incident.

(2) Existing law grants the department the sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under state law. The department, by regulation, requires that a person who will provide counseling services to those programs to register with, and be certified by, a nationally accredited certifying organization approved by the department.

This bill would require ~~the department to require that~~ *that, prior to registering or certifying a counselor, the certifying organization consult with each of the other department-approved nationally accredited certifying organizations and the National Practitioner Data Bank the available electronic databases of certain other approved counselor certifying organizations* to determine whether the person has ever had his or her ~~license registration~~ or certification as a counselor revoked.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11830.01 is added to the Health and  
2 Safety Code, to read:  
3 11830.01. (a) The death investigation policy of the department  
4 shall be designed to ensure that a resident’s death is reported by  
5 the licensee and addressed by the department in a timely manner.  
6 (b) The licensee shall make a telephonic report to the department  
7 within one working day of any of the following events or incidents:  
8 (1) Death of any resident for any cause, even if the death did  
9 not occur at the facility.  
10 (2) Any facility-related injury of any resident that requires  
11 medical treatment *by a physician at a health care facility licensed*  
12 *pursuant to Division 2 (commencing with Section 1200).*  
13 ~~(3) All cases of communicable disease reportable under Section~~  
14 ~~120130.~~  
15 ~~(4)~~  
16 (3) Poisonings.  
17 ~~(5)~~  
18 (4) Natural disasters that affect the facility premises.  
19 ~~(6)~~  
20 (5) Fires or explosions that occur in or on the facility premises  
21 *that necessitate action by a fire department or other emergency*  
22 *response unit.*  
23 ~~(7) Unusual events or incidents that affect the physical or~~  
24 ~~emotional health or safety of any resident.~~  
25 (c) The telephonic report described in subdivision (b) shall be  
26 followed by a written report to the department, in a form prescribed  
27 by the department, within seven days of the event or incident.

1 (d) The telephonic and written reports shall include, but not be  
2 limited to, a description of the event or incident, including the  
3 time, location, and nature of the event or incident, a list of  
4 immediate actions that were taken, including persons contacted,  
5 and a description of the followup action that is planned, including,  
6 but not limited to, steps taken to prevent a recurrence of the event  
7 or incident.

8 SEC. 2. Section 11833 of the Health and Safety Code is  
9 amended to read:

10 11833. (a) The department shall have the sole authority in  
11 state government to determine the qualifications, including the  
12 appropriate skills, education, training, and experience of personnel  
13 working within alcoholism or drug abuse recovery and treatment  
14 programs licensed, certified, or funded under this part.

15 (b) The department shall require that a counselor working within  
16 a program described in subdivision (a) be *registered with or*  
17 *certified by a nationally accredited certifying organization that has*  
18 ~~*consulted with all other nationally accredited certifying*~~  
19 ~~*organizations and the National Practitioner Data Bank an*~~  
20 ~~*organization approved by the department to register and certify*~~  
21 ~~*counselors. Prior to registering or certifying a counselor, an*~~  
22 ~~*approved organization shall consult with the available electronic*~~  
23 ~~*databases of the other department-approved counselor registration*~~  
24 ~~*and certification organizations to determine whether the person*~~  
25 ~~*has ever had his or her license registration or certification as a*~~  
26 ~~*counselor revoked.*~~